

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARIETTA MICHELLE
BUTLER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE KING,

Respondent-Appellant.

UNPUBLISHED

October 26, 2004

No. 253642

Wayne Circuit Court

Family Division

LC No. 03-415183

Before: Whitbeck, C.J., and Jansen and Bandstra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. MCR 2.613(B); *In re Trejo*, 462 Mich 341, 344, 357; 612 NW2d 407 (2000). Respondent argues that the trial court erred in relying on testimony by the foster care caseworker regarding events of which he had no personal knowledge because this evidence was inherently untrustworthy. However, we find that the trial court did not rely on the challenged evidence in making its findings of facts on the record. Further, even if the trial court had improperly relied on this evidence, any error would have been harmless because clear and convincing evidence established the statutory grounds. Respondent did not comply with the majority of the parent-agency treatment plan, including failing to maintain suitable housing and failing to abstain from illegal drugs. After the minor child had been in foster care for one year, respondent had made no progress and there was no reason to think that she would progress if given more time.

Although respondent also argues that the trial court failed to consider the child's best interests, the referee's recommendation, approved by the trial court, specifically found "there is no evidence to show that termination of parental rights is clearly not in the child's best interest." In support of this determination, the report made the following findings of fact: there was no significant parental bond, respondent had a chronic substance abuse history, and respondent had failed to address the issues that brought the child into care. Therefore, the trial court did not clearly err in finding that termination was not clearly contrary to the minor child's best interest.

Affirmed.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Richard A. Bandstra